



10-10-08

EXPRESS MAIL LETTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francke et al.

Int'l Filing Date: June 7, 2004

Application No.: 10/559,158

For: METHOD AND DEVICE FOR EXTRACTING MILK FROM ANIMALS

Docket No.: 10034.540

Express Mail No.: EM263573235US

Date of Deposit: October 9, 2008

I hereby certify that these attached documents

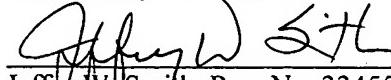
- Response postcard
- PTO/SB 21 (1p) and 1 copy
- Information Disclosure Statement (4pp); PTO/SB 08a (1p); PTO/SB 08b (1p) and 9 documents

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 35 C.F.R. §1.10 on the date indicated above and is addressed to the *Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450*


(Jeffry W. Smith, Reg. No. 33455)

Enclosed for filing please find the above-referenced documents. Please indicate receipt of these documents by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

Respectfully submitted,


Jeffry W. Smith, Reg. No. 33455
Attorney for Applicant
SMITH LAW OFFICE
8000 Excelsior Drive, Suite 301
Madison, WI 53717
(608) 824-8300



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/559,158
	Filing Date	June 7, 2004
	First Named Inventor	Heinz Francke
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	10034.540

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> PTO/SB 08a (1p); PTO/SB 08b (1p) and 9 documents
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
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Remarks		
THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES THAT MAY BE REQUIRED WITH RESPECT TO THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 50-2911.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SMITH LAW OFFICE		
Signature			
Printed name	Jeffry W. Smith		
Date	Oct. 9, 2008	Reg. No.	33455

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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OCT 09 2008

PTO/SB/21 (09-08)

Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

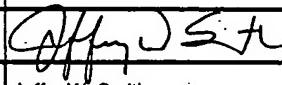
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Firm Name	SMITH LAW OFFICE		
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Printed name	Jeffry W. Smith		
Date	Oct. 9, 2008	Reg. No.	33455

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PATENT APPLICATION

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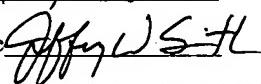
Art Unit:

Examiner:

For: METHOD AND DEVICE FOR EXTRACTING MILK FROM ANIMALS

Certificate of Mailing

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Signature 
Jeffry W. Smith, Reg. No. 33455
Name of Applicant, assignee or
Registered Representative

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be considered because it has been filed within the following time period:

37 C.F.R. §1.97(b)

_____ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

_____ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

 x Before the mailing of a first Office Action on the merits;

_____ Before the mailing of a first Office Action after the filing of a request for continued examination under §1.114;

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37 C.F.R. §1.97(c)(d)

 Before the mailing of any of a final action under §1.113;

 Before a notice of allowance under §1.311;

 An action that otherwise closes prosecution in the application; or

 Filed on or before payment of the issue fee

And is accompanied by a:

Statement specified in §1.97(e):

 Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

 No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

 The fee set forth in §1.17(p).

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Application No.: 10/559,158

In accordance with 37 C.F.R. §1.56, Applicants call the attention of the Examiner to the following documents:

United States Patents

<u>U.S. Patent No.</u>	<u>Patentee</u>	<u>Issue/Publication Date</u>
3,599,607	Wallick	08-17-1971
5,784,993	Osthues et al.	07-28-1998

Foreign Patent Documents

<u>Patent No.</u>	<u>Patentee</u>	<u>Issue/Publication Date</u>
WO 95/07019	Osthues et al.	03-16-1995
DE 101 31 443 A1	Osthues et al.	01-16-2003
DE 197 28 415 A1	Boekhoff	01-07-1999
EP 1 131 997 A2	van der Lely	09-12-2001

Other Documents

English language Abstract, Translated Description and Claims of DE 101 31 443 A1, European Patent Office's esp@cenet.com database, 5pp.

English language Translated Description and Claims of DE 197 28 415 A1, European Patent Office's esp@cenet.com database, 5pp.

DATABASE BIOSIS, XP00835507, "A Method for Continuous Automatic Monitoring of Accuracy of Milk Recording Equipment," European Association for Animal Production Publication, 1992, 8pp.

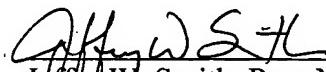
Please note that the "Translated Description and Claims" referenced above are downloaded from the European Patent Office's esp@cenet.com database, and are not translations obtained or certified by Applicants. The European Patent Office site indicates that the translations are made automatically by WorldLingo Translations.

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Copies of these documents are submitted herewith along with Form PTO/SB 08a and
PTO/SB 08b.

Applicants respectfully request that these documents be expressly considered during the
prosecution of this application and made of record herein and appear among the "documents
cited" on any patent to issue herefrom.

Respectfully submitted,


Jeffrey W. Smith, Reg. No. 33455
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